

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

DATE: August 31, 2005

CALLED TO ORDER: 5:06 p.m.

ADJOURNED: 8:31 p.m.

ATTENDANCE

Attending Members

Mary Moriarty Adams, Chairwoman
Greg Bowes
Vernon Brown
Sherron Franklin
Lynn McWhirter
William Oliver
Lincoln Plowman

Absent Members

Scott Schneider

BUDGET HEARING

Marion County Sheriff
Marion County Justice Agency
Circuit Court
Marion County Superior Courts

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

The Public Safety and Criminal Justice Committee of the City-County Council met on Tuesday, August 31, 2005. Chairwoman Mary Moriarty Adams called the meeting to order at 5:06 p.m. with the following members present: Greg Bowes, Vernon Brown, Lynn McWhirter, Sherron Franklin, Lincoln Plowman, William, Oliver, and Scott Schneider. Also present was Bart Brown, the Council's Chief Financial Officer.

{Clerks note: Consent was giving to alter the schedule in which the budgets are presented.}

Marion County Sheriff

Frank Anderson, Marion County Sheriff, stated that the Marion County Sheriff's Department (MCSD) has been mindful of the lack of funding within the County and has tried to be as frugal as possible by doing things to save and generate extra revenue. One example is their user fees have been increased to generate about \$1.4 million a year. Another example is the new special deputy training has resulted in a savings of \$200,000. There also have been 12 merit deputy positions that have been replaced with civil deputies at a savings of \$20,000 each. Sheriff Anderson stated that there were 65 deputies in the department that were trained to be in law enforcement that were assigned to do road patrol at no additional cost to the taxpayers. Ron Chappell, MCSD Major, stated that the Sheriff's department budget is up by about \$12.5 million, and that this budget is one of the best budgets that MCSD has ever had. It included all of the contract raises for the four contracts that MCSD has for 2006.

Major Chappell explained MCSD 2006 budget changes, which are on file in the Council office with the original set of minutes as Exhibit A.

Councillor Brown asked what an educational bonus is. Major Chappell explained that an educational bonus is for any deputy that is hired on to the department that received college training. If they have zero to thirty hours of college credit the deputy would receive \$250; from thirty to sixty credit hours the bonus would be \$500; from sixty up to ninety hours they would receive \$750; and with a college degree the bonus would be \$1,000.

Chairwoman Moriarty Adams asked if the deputies are allowed to seek a college degree in any subject. Major Chappell answered in the affirmative.

Councillor McWhirter asked why the pension obligation was lower than it has been in the past two years. Major Chappell stated that the investments are up and have helped with the pension obligations.

Chairwoman Moriarty Adams asked if the additional funding from COIT would help with the gasoline debt for MCSD. Major Chappell stated that there may be a transfer of funding from the Civil Office Fees Fund to gasoline charges to help pay for the cost of gas. Robert Clifford, City Controller, stated that the cost of gasoline will have a major impact on the City and County just for the rest of 2005.

Councillor Brown asked if there are any restrictions for deputies with vehicles on off-duty hours. Sheriff Anderson stated the citizens really like having the presence of those vehicles in the neighborhoods. Councillor Brown asked if MCSD kept track of how much fuel is used when these officers are not on duty. Joseph McAtee, Deputy Chief of MCSD, answered in the negative.

Councillor Schneider asked if the role call site was still in place, if an officer would have to go to a particular site to check in and out before and after each shift. Major Chappell said that the deputies are not required to go to the role call sites. Councillor Schneider asked if MCSD has stopped servicing vehicles from other agencies. Major Chappell stated that as of January 01, 2005 the gasoline charges are sent to the individual agencies, and MCSD performs maintenance up to \$500.

Councillor McWhirter asked if the fueling system is centralized. Major Chappell stated that there are two refueling sites that are centralized, and MCSD has a contract with Speedway Gas stations all over Marion County.

Councillor Franklin stated that the difference between MCSD and the Indianapolis Police Department (IPD) is that IPD's beat sizes are smaller than MCSD and that it is easier for IPD to check in at a role call site because the sites are more centrally located.

Councillor Oliver asked if there are deputies that do not live in Marion County but are part of MCSD. Sheriff Anderson answered in the negative and stated that he has fired deputies for not living within Marion County. Councillor Oliver asked if there is anything in the MCSD's budget that would reflect recruitment efforts of African Americans. Major Chappell stated that \$5,000 is budgeted toward recruitment of minorities.

Councillor Plowman stated that the Sheriff's department has never been under any court order on any hiring policies.

Councillor Brown asked if there are recruit classes currently for MCSD. Major Chappell said that there is a new hire list but there is no class going on at this time. Councillor Brown asked, of the six new deputies that were hired, what is the race ratio. Eva Talley-Sanders, Deputy Chief of MCSD, stated that they hired three African Americans, one female, and the other two are Caucasian.

Councillor Franklin asked who set the judgement amount that was budgeted for the MCSD. Jeff Seidenstein, Budget Manager for the Controller's Office, stated that this amount was recommended from the Office of Corporation Counsel. Mr. Seidenstein stated that this amount of funding is based on cases in litigation.

Councillor Franklin asked if there is any information regarding an infirmary for the Jail. Chief Talley-Sanders stated that there currently are a few rooms that are available for inmates that were

turned away from the Department of Correction (DOC) because they have special needs. She said these rooms are in a cellblock called 2P, and this is for inmates that need medical attention. She said there still is a need for an infirmary to take care of inmates with special needs; therefore, MCSD will need additional funding to hire additional medical staff and purchase additional equipment.

Chairwoman Moriarty Adams stated that Councillor Patrice Abduallah is working on this issue and he is very interested in helping the department with the infirmary needs.

Councillor Oliver asked if the County is obligated to provide an infirmary for the inmates under State law. Sheriff Anderson said that there were studies done on the size of Marion County Jail and this County is the only jail its size that does not have an infirmary.

Councillor Franklin asked for a list of outstanding liabilities and the judgements against each case. Mr. Clifford stated that this information is confidential. Kobi Wright, Office of Corporation Counsel, stated that Mr. Clifford is correct; this information is confidential, but it can be shared with the council in a non written form with a confidentially agreement.

Councillor Schneider invited the Sheriff to come before the Republican caucus to explain the ideals for a jail infirmary.

Councillor Bowes asked if the City and County liabilities were all placed into MCSD's budget. Mr. Seidenstein stated that the funding in the Sheriff's budget is just for MCSD. Mr. Seidenstein stated that if the funding that is set aside for judgements is not used then it could be used to begin creating a reserve fund for County settlements.

Councillor McWhirter asked who the general counsel is for MCSD and what his duties are, as opposed to Corporation Counsel. Sheriff Anderson stated that Kevin Murray is the general counsel. Mr. Murray stated that Corporation Counsel handles all the court liability cases and the majority of the contracts. He said that he deals with the labor unions and handles disciplinary cases before the Merit Board. Councillor McWhirter asked if there is an hourly rate that is paid to Locke Reynolds LLP for their services. Mr. Murray stated that there is an hourly rate of \$150.

Mr. Clifford stated that the 2005 budget did not include any funds to pay Wishard's \$2.8 million contract, and they have agreed to wait until next year for the 2005 payment. The City will remained one year behind.

Marion County Superior Courts

Cale Bradford, Presiding Judge of Marion County Superior Courts, stated that jail overcrowding was a very bad situation last year and there is now a plan that will help resolve this problem. He said that the presentation would involve the IT Board for the JUSTIS.net Project, the Family

Law Division Task Force, the Juvenile Justice Progress Committee, and the Welfare for Neglected Children.

Jane Magnus-Stinson, Associate Presiding Judge, read verbatim remarks to the Public Safety Committee, which are attached to the minutes. Judge Magnus-Stinson stated that there are 985 aggregated number of days that people can be booked in jail. The goal is to free up more of those days for people who are in jail too long; not by letting them out early but by getting their case closed. She said the answer for that is to add additional resources to prepare cases faster.

Robyn Moberly, Associate Presiding Judge, read verbatim her remarks to the Public Safety Committee, which are attached to the minutes.

Judge Bradford stated that there are no alternatives to incarceration for the juveniles. He said that the court system needs to develop alternatives for juveniles instead of sending them straight to the Department of Corrections (DOC). The courts should carefully look at the individuals that are being brought into the system, and then if they are eligible find a diversion program for these individuals. Some pre-trial release programs could be probation, home detention, day reporting and day treatment, and a staff secured detention home. Judge Bradford said that the City can receive welfare reimbursement through the federal government if staff secured detention homes are used. DOC is willing to fund alternatives to incarceration in Marion County for juveniles.

{Clerks note: The Marion County Superior Courts' presentation is on file with the original set of minutes in the council office.}

Key points are as follows:

- DNA backlogs are causing serious delays in cases.
- A reduction in the time it takes to get witnesses and defendants statements would speed up the cases.
- JTAC and the Indiana Supreme Court has certified the JUSTIS.net upgrade as an official module of the statewide CMS. The state intends to put the entire case management system of all the State courts in Indiana on one statewide system.
- JUSTIS.net has 2,400 programs with 2.5 million lines of code, 1,300 screens and 256 database tables with 280 million rows of date.
- In January 2005, the Marion County Criminal Justice Planning Commission approved a strategic plan that included the action item of developing a family court to better serve children and their families through the courts.
- The Anne E. Casey Foundation will help to reduce and address juveniles that are incarcerated.

Councillor McWhirter asked how much of Small Claims Court will be involved with JUSTIS.net. Judge Bradford stated that the Small Claims Court programs are written into the statewide program on JTAC.

Councillor Bowes asked if the Arrestee Processing Center (APC) helps with the backlog of cases. Judge Magnus-Stinson answered in the negative and stated that the parties involved in the cases are not reaching an agreement. She said that the other point is that the commissioners were not being really aggressive on bond decisions. Judge Magnus-Stinson said that capacity has

been added to Community Correction. Pre-Trial placement probation has taken over handling pre-trial services from the Justice Agency and people are being diverted to reporting supervision.

Councillor Franklin asked what prompted the idea with the alternatives to incarceration. Judge Bradford stated that as he learned more about juveniles he sees opportunities to make an impact and takes them.

Marilyn Morres, Juvenile Court Judge, stated that the funding should go for working to help eliminate the problem with juveniles before they enter into the system by having early intervention.

Councillor Oliver asked the policy for what triggers a police call to the school has been reviewed and standardized over the County. Judge Morres stated that there was a letter that was sent to all the superintendents in Marion County, which gave guidelines about things that were appropriate for arrest and referral, and things that needed to be handled at the school level on an administrative or disciplinary level. She discussed House Enrolled Act 1794, which allows schools, on a voluntary basis, to enter into a cooperative agreement with the Juvenile Court to help resolve expulsion and suspension cases, and stated that Indianapolis Public Schools (IPS) is fifth in the nation in expulsions and suspension.

Judge Bradford stated that the Superior Courts have requested funding for the law library at \$185,000 and the recommended funding was \$100,000. The law library serves the public more than it serves the judges. Judge Bradford asked the Council to please fully fund the \$185,000 for the law library. He said that the building that is owned by the Courts that is on the grounds of the Juvenile Justice Campus is not being used currently. He said the hope is to develop this building into a partially staff secured facility, but the request is to have two hearing rooms within that building which is estimated to be about \$246,000. These hearing rooms will help hear more cases at juvenile and move them a lot faster through the system.

Circuit Court

Ted Sosin, Circuit Court Judge, read verbatim his remarks to the Public Safety Committee, which are attached to the minutes.

Judge Sosin said that their budget does not vary at all from the budget that was approved last year, and the only change in that budget was the proposed change in salaries for the Circuit Court Commissioners. There is one full-time, 3 part-time and the rest of the commissioners are working one day a week

Marion County Justice Agency

Diana Burleson, Director of Marion County Justice Agency (MCJA), explained the presentation. Ms. Burleson explained that the Criminal Justice Planning Council's (CJPC) mission is to identify needs and problems of participating agencies and courts to suggest answers and help find solutions. CJPC will study, forecast and make recommendations to the City-County

Council regarding short-term and long-term needs of law enforcement and the criminal justice system, and provide them with relevant annual financial needs information prior to and during the annual budget process. She said that the MCJA's function is to provide coordination services to participating agencies and courts according to the direction given by the CJPC. The MCJA will perform responsibilities delegated by the CJPC relating to the coordination and oversight of long-range planning and forecasting of criminal justice and information technology needs.

Key Points of the presentation are:

- CJPC has 11 voting members and 18 advisory members.
- Some of the major changes from last year include the Conditional Release Unit, being moved from MCJA to Probation and the Justice Agency picking up titles for vehicles used by 10 full-time employees.
- The MCJA is the fiscal overseer for a number of different grants and funds within the Justice System.
- MCJA is the beneficiary of the State Law Enforcement Fund and the Federal Law Enforcement Fund.
- MCJA Strategic Plan will increase communication and coordination. It will also improve offender assessment and case processing effectiveness.
- There are 9 Failure to Appear (FTA) officers. The Project Safe Neighborhood grant pays the salaries of two FTA officers, and the other 7 are paid out of the County General Fund.
- In 2004, the FTA office cleared 3,214 warrants, and in 2005, 1,638 warrants have been cleared through June.

Councillor Brown asked what all the reasons are for early release. Ms. Burleson stated that the reason for early release is the jail cap. Mr. Clifford stated that the Justis system sometimes does not communicate with the GEMS system and, as a result, causes people to be released from home detention and from community corrections,

Councillor Bowes asked what a Lever Pulling meeting is. Ms. Burleson said that this is a meeting developed by the Indianapolis Violence Reduction Partnership that pull in probationers and parolees from a specific district. At that meeting there would be federal, State, and local law enforcement officials who would talk to them regarding probation and parole violation.

Councillor Brown asked if this Lever Pulling program has been successful. Ms. Burleson stated that she will provide that information when she gets the statistics.

CONCLUSION

With no further business pending, and upon motion duly made, the Public Safety and Criminal Justice Committee of the City-County Council was adjourned at 8:31 p.m.

Respectfully submitted,

Mary Moriarty Adams, Chairwoman
Public Safety and Criminal Justice Committee

MMA/rjp